

House File 2403 - Introduced

HOUSE FILE 2403
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 2236)

A BILL FOR

1 An Act relating to requirements for a commercial driver's
2 license for certain persons transitioning from military
3 service.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.188, Code Supplement 2011, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 6. *a.* The department may waive the
4 requirement that an applicant pass a driving skills test
5 specified in this section for an applicant who is on active
6 duty in the military service, or who has separated from such
7 service in the last ninety days, who certifies that during
8 the two-year period immediately preceding application for a
9 commercial driver's license, all of the following apply:

10 (1) The applicant has not had more than one driver's
11 license, other than a military license.

12 (2) The applicant has not had any driver's license
13 suspended, revoked, or canceled.

14 (3) The applicant has not been convicted of an offense
15 committed while operating any type of motor vehicle that is
16 listed as a disqualifying offense in 49 C.F.R. § 383.51(b).

17 (4) The applicant has not had more than one conviction for
18 an offense committed while operating any type of motor vehicle
19 that is listed as a serious traffic violation in 49 C.F.R. §
20 383.51(c).

21 (5) The applicant has not had a conviction for a violation
22 of a state or local law relating to motor vehicle traffic
23 control, other than a parking violation, arising in connection
24 with any traffic accident and has no record of a traffic
25 accident in which the applicant was at fault.

26 *b.* An applicant for a waiver of the driving skills test
27 under this subsection shall certify and provide evidence as
28 required by the department that the following apply:

29 (1) The applicant is regularly employed or was regularly
30 employed within the last ninety days in a military position
31 requiring operation of a commercial motor vehicle.

32 (2) The applicant was exempt from commercial driver
33 licensing requirements pursuant to section 321.176A, subsection
34 3, or a comparable law of another state implementing 49 C.F.R.
35 § 383.3(c).

1 (3) The applicant was operating a motor vehicle
2 representative of the class of motor vehicle the applicant
3 operates or expects to operate for at least two years
4 immediately preceding honorable separation from military
5 service as evidenced by the person's certificate of release or
6 discharge from active duty, commonly referred to as a DD214.

7 c. An applicant who obtains a skills test waiver under this
8 subsection shall take and successfully pass the knowledge test
9 required pursuant to subsection 2.

10 EXPLANATION

11 This bill authorizes the department of transportation to
12 waive the driving skills testing requirement for an applicant
13 for a commercial driver's license who is currently on active
14 military service or was separated from service within the last
15 90 days. Federal motor carrier safety regulations allow such
16 an exemption provided the applicant meets certain experience
17 and safety requirements, which are referred to in the bill.

18 To qualify for the waiver, the applicant must have been
19 employed in a military position requiring operation of a
20 commercial motor vehicle, must have been exempt from commercial
21 motor vehicle licensing requirements while operating a
22 commercial motor vehicle for military purposes, and must have
23 operated, during the two-year period immediately preceding
24 honorable separation from military service, a motor vehicle
25 representative of the class of motor vehicle the applicant will
26 operate.

27 The applicant for an exemption must certify that during the
28 preceding two years the applicant has not had more than one
29 driver's license other than a military license; has not had a
30 driver's license suspended, revoked, or canceled; has not been
31 convicted of certain disqualifying offenses committed while
32 operating any type of motor vehicle; has not had more than one
33 conviction of any serious traffic offense; and has not had a
34 conviction for a violation, other than a parking violation,
35 arising in connection with any traffic accident and has no

1 record of a traffic accident in which the applicant was at
2 fault.

3 An applicant for whom the driving skills test requirement
4 is waived must still pass a knowledge skills test to receive
5 a commercial driver's license.